

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 22-1287

JOHN AND JANE DOE 1, in their own capacity as parents of Child Doe 1;
JOHN AND JANE DOE 2, in their own capacity and as parents of Child Doe 2;
JANE DOE 3, in her own capacity and as parent of Child Doe 3 and on
behalf of those similarly situated

v.

PERKIOMEN VALLEY SCHOOL DISTRICT, a Pennsylvania Governmental Entity;
JASON SAYLOR; MATTHEW DORR; ROWAN KEENAN; DON FOUNTAIN;
KIM MARES; REENA KOLAR; SARAH EVANS-BROCKETT; LAURA WHITE;
TAMMY CAMPLI, all individual elected officials sued in their official capacity
as members of the Board of School Directors of the Perkiomen Valley
School District, a Pennsylvania elected legislative body,

Appellants

(E.D. Pa. No. 2-22-cv-00287)

Present: AMBRO, GREENAWAY, JR., and KRAUSE, Circuit Judges

1. Motion filed by Appellant Perkiomen Valley School District to Expedite Case
2. Clerk's Listing for Summary Action;
3. Appellants' Response Regarding Summary Action;
4. Appellees' Response Regarding Summary Action.

Respectfully,
Clerk/tmm

ORDER

At this time, we will not take summary action based on the revised CDC guidance. Instead, we order a LIMITED REMAND so the District Court can adjudicate the appellants' pending motion to dissolve the preliminary injunction, which seeks relief largely due to the revised CDC guidance. See Kohn v. Am. Metal Climax, Inc., 458 F.2d 255, 261–62 (3d Cir. 1972) (noting limited remand “to permit the district court to rule

on” motion to amend appealed injunction); cf. Sprint Commc’ns Co. v. CAT Commc’ns Int’l, Inc., 335 F.3d 235, 241 (3d Cir. 2003) (“The law has entrusted the power to dissolve a preliminary injunction to the discretion of the trial court in the first instance, and not to the appellate court” (cleaned up)).

This appeal is STAYED until the District Court decides the motion to dissolve the preliminary injunction. The parties must file reports on the status of those proceedings every thirty days. After the District Court’s decision, we will resume this appeal and may reconsider taking summary action.

The appellants’ motion to expedite this appeal is denied without prejudice to renewal, if necessary, after the District Court decides the motion to dissolve the preliminary injunction.

By the Court,

s/ Thomas L. Ambro
Circuit Judge

Dated: March 8, 2022

CJG/cc: Brian E. Subers, Esq.
Beth N. Shore, Esq.
W. Christian Moffitt, Esq.
Carmen A. De Gisi, Esq.



A True Copy:

Patricia S. Dodszeuweit

Patricia S. Dodszeuweit, Clerk